

1 THE HONORABLE JAMES ROBERT

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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 FRED and KATHLEEN STARK, a married
11 couple,

12 Plaintiffs,

13 vs.

14 THE SEATTLE SEAHAWKS,
15 FOOTBALL NORTHWEST, LLC, a
16 Washington limited liability company,
17 FIRST & GOAL, INC., a Washington
18 corporation, THE WASHINGTON STATE
19 PUBLIC STADIUM AUTHORITY, a
20 Washington municipal corporation, and
21 LORRAINE HINE, in her capacity as chair
22 of the Washington State Public Stadium
23 Authority board of directors,

24 Defendants

Case No. CV 06-1719 JLR

JOINT STATUS REPORT

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1. Nature and Complexity of the Case

Plaintiffs allege the pat-down search policy at Seattle Seahawks home games to be unreasonable mass, warrantless and suspicionless searches in violation of the Fourth Amendment of the U.S. Constitution, 42 U.S.C. § 1983, and Article I, § 7 of the Washington State Constitution. On that basis, Plaintiffs seek an injunction prohibiting further pat-downs at

JOINT STATUS REPORT - 1

Case No. CV 6-1719

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Qwest Field, a publicly owned and financed stadium. Defendants allege (1) that because the pat-downs do not constitute state action, the Fourth Amendment, its Washington Constitution counterpart, and Section 1983 (collectively, "the Fourth Amendment") are inapplicable here, (2) that even if the Fourth Amendment were applicable, the pat-downs would fall within the well-established "special needs" exception to the warrant requirement, and (3) that even in the absence of special needs, the pat-downs of plaintiffs do not violate the Fourth Amendment because of plaintiffs' informed and voluntary consent. This case is moderately complex.

2. Statement re which ADR Method should be/not be used.

None at this time.

3. Scheduling of ADR.

N/A

4. Deadline for Joining Additional Parties

March 16, 2007.

5. Proposed Discovery Plan

a. Date FRCP 26(f) conference and FRCP 26(a) initial disclosures took place

The parties conferred on at least two occasions prior to January 31, 2007, in preparation for filing their Stipulation and [Proposed] Order Setting Briefing Schedule re Plaintiffs' Request for Injunctive Relief, which included a proposed discovery schedule. The Court adopted the parties' proposal and entered the Order Setting Briefing Schedule re Plaintiffs' Request for Injunctive Relief on February 5, 2007 (the "2/25/07 Scheduling Order"). The parties also conferred on February 22 and February 27, 2007.

Initial disclosures will be made on March 5, 2007.

b. Subjects on which discovery may be needed.

At least one party contends that discovery may be needed on each of the following subjects: Security policies and assessments at Qwest Field, reasons for implementing pat-down policy, effectiveness of pat-downs, threats to security at Qwest Field and other public venues, events at Qwest Field where pat-downs employed, training procedures for screeners, the identity of those involved with implementing security measures at Qwest Field, plaintiffs' notice of and consent to the pat-down procedure, and plaintiffs' alleged damages.

By jointly listing these potential subjects of discovery, no party waives its right to object to any discovery on the ground that it is irrelevant or unlikely to lead to the discovery of admissible evidence.

**c. Changes in limitations on discovery re federal and local civil rules?
What other limitations should be imposed?**

None at this time.

d. Statement re how discovery will be managed

In accordance with the 2/25/07 Scheduling Order.

e. Any other orders to be entered by court

The parties are evaluating whether a protective order under Fed. R. Civ. P. 26(c) may be necessary. Should such an order be necessary, the parties will attempt in good faith to reach a consensus for the handling of confidential documents and information.

6. Date for completion of remainder of discovery

April 30, 2007.

7. Proceedings to be conducted by Full-time Magistrate Judge?

No.

8. Should the case be bifurcated?

No.

9. Pretrial statements and order dispensed with?

The parties will submit their respective trial briefs and response briefs in accordance with the 2/27/07 Scheduling Order. The parties intend to file a joint statement as to the admissibility and authenticity of their respective trial exhibits no later than thirty (30) days prior to trial, in a form substantially equivalent to that outlined in Local Rule 16.1. The parties will dispense with all other requirements of Local Rule 16, and Local Rule 16.1 relating to the preparation and filing of pretrial statements and the pretrial order.

10. Suggestions for shortening or simplifying case?

None at this time.

11. Date case will be ready for trial.

June 25, 2007.

12. Jury or non-jury.

Non-jury.

13. Number of trial days.

The parties hope and expect that the trial should take no more than 3½ days.

14. Name addresses and phone numbers of all trial counsel.

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15. All parties served by date of this report?

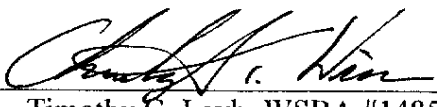
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16. Any party need a scheduling conference prior to scheduling order?

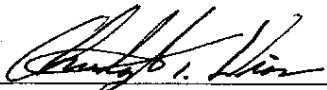
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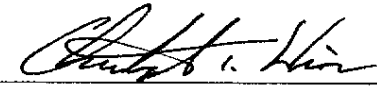
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